

**ERIE COUNTY CLERK
92 FRANKLIN ST.
BUFFALO, NY 14202**

CPLR ART. 54: UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT

1. To qualify for recording here, the foreign judgment must not have been obtained by default in appearance or by confession of judgment. CPLR 5401.
2. A copy of the foreign judgment may be filed within ninety (90) days of its authentication. CPLR 5402 (a).
3. Authentication: certification of a copy of judgment by the Clerk of the Court, with the court seal affixed; or, certification by the officer having legal custody of the original judgment or his deputy or clerk (e.g. a county clerk in whose office it is filed), with his seal affixed. CPLR 4540.
4. There must be filed with the judgment an affidavit by the judgment creditor stating:
 - a. that the judgment was not obtained by default in appearance or by confession of judgment;
 - b. that it is unsatisfied in whole or in part;
 - c. the amount remaining unpaid;
 - d. that its enforcement has not yet been stayed; and
 - e. setting forth the name and last known address of the judgment debtor. CPLR 5402(a)
 - f. The filing fee is \$210.00
5. Within thirty (30) days after filing the judgment and affidavit, the judgment creditor must mail notice of the filing here of the foreign judgment debtor at his last known address. Proof of service must be filed here. CPLR 5403
6. Proof of service consists of an affidavit by whoever did the mailing attesting to it.
7. If the foreign judgment was obtained by default or confession, in order for it to be filed here, the judgment creditor must either bring a plenary action or use a CPLR motion (action for summary judgment in lieu of complaint) to convert the foreign judgment into the equivalent of a New York one.
8. For the above purposes, a transcript may be deemed a copy of the foreign judgment.
9. If the foreign judgment is from a federal court not located in New York State, the judgment creditor has the choice of either following the above procedure or registering this judgment in a U.S. District Court in New York State, getting a transcript of the registered judgment from the Clerk of the New York State Federal District Court and docketing it in the County Clerk's Office. CPLR 5018(b).
10. Please include the address for the Judgment creditor.

If you have any questions, please call (716) 858-6481 and speak to our Judgment Examiner.